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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,498	01/09/2002	Sean Edward Aschen	AUS9-2001-1003-US1	6734

7590 06/17/2005	EXAMINER

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ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/042,498	ASCHEN ET AL.
	Examiner	Art Unit	
	Barbara N. Burgess	2157	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 January 2002_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _1-9-02_.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Singer

et al. (hereinafter "Singer", US Patent Publication 2005/0125531 A1).

        As per claims 1, 8, and 15, Singer discloses a method, a computer product

embodied in a machine-readable storage medium, and data processing system

including circuitry for performing the steps of:

- Starting a log file parser on each server of a set of servers in a distributed

    information processing environment (paragraphs [0008-0009, 0054], Singer

    discloses collecting usage data from one or more web servers);

- Retrieving usage information from a database file generated by said log file parser

    (paragraphs [0069-0070, 0073-0074], Singer discloses users generating usage

    reports from the database storing log files at the Analysis Server);

- Generating preselected usage statistical information from said usage information

from said database file (paragraphs [0077-0087], Singer discloses users accessing

daily summary reports, weekly summary reports, usage by hour report, etc.

according to data from the database at the Analysis Server).

As per claims 2, 9, and 16, Singer discloses the method, a computer product

embodied in a machine-readable storage medium, and data processing system of

claims 1, 8, 15, further comprising the steps of:

- Closing a current log tile (paragraph [0054]);

- Reading said log file (paragraphs [0057-0060]);

- Generating said database file in response to said log file (paragraphs [0061-0066]).

As per claims 3, 10, 17, Singer discloses the method, a computer product embodied

in a machine-readable storage medium, and data processing system of claims 2, 9, 16,

further comprising the step of starting a next log file (paragraph [0065]).

As per claims 4, 11, 18, Singer discloses the method, a computer product embodied

in a machine-readable storage medium, and data processing system of claims 2, 9, 16,

wherein said steps of closing said current log file, reading said log file, and generating

said database file are performed by said log file parser (paragraph [0017]).

As per claims 5, 12, 19, Singer discloses the method, a computer product embodied

in a machine-readable storage medium, and data processing system of claims 1, 8, 15,

wherein said steps of launching a log file parser, retrieving usage information from a database file, and generating preselected usage statistical information are repeated for each server in said distributed information processing system (paragraph [0065]).

As per claims 6, 13, 20, Singer discloses the method, a computer product embodied in a machine-readable storage medium, and data processing system of claims 1, 8, 15, wherein said steps of launching a log file parser, retrieving usage information from a database file, and generating preselected usage statistical information are repeated for each server in said distributed information processing system are performed by a shell script (paragraphs [0100-0103]).

As per claims 7, 14, 21, Singer discloses the method, a computer product embodied in a machine-readable storage medium, and data processing system of claims 1, 8, 15, wherein said log file comprises an log file maintained by a directory server (paragraph [0043]).

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Pub No. 2002/0156552 A1

US Patent Pub No. 2002/0040394 A1

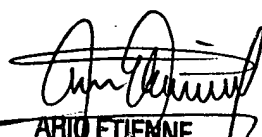US Patent No. 6,873,981 B2

US Patent No. 6,721,749 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess
Examiner
Art Unit 2157

June 9, 2005

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100